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35437 7590 04/17/2008 MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO ATTN: PATENT INTAKE CUSTOMER NO. 35437 ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER VAUGHN, GREGORY J	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/540,756
Filing Date: March 31, 2000
Appellant(s): MAHAN ET AL.

Boris A. Matvenko of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/17/2008 appealing from the Office action mailed 6/26/2006.

(1) Real Party In Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

- Gill et al., US Patent 6,081,262, filed 12/4/1996, patented 6/27/2000
(hereinafter "Gill"),
- Fields et al. US Patent 6,128,655, filed 7/10/1998, patented 10/3/2000
(hereinafter "*Fields*")

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 6-8, 14-19, 22-26, 33, 35 and 37-40, are rejected under 35 U.S.C. 102(e) as being anticipated by Gill.

Regarding independent claim 1, Gill discloses a presentation building system. Gill recites: *"This invention pertains to a multi-media presentation generation system that uses a multi-media authoring tool"* (column 1, lines 6-7).

Gill discloses accessing a page with multimedia content. Gill recites: *"The multi-media presentation generation system comprises a menu driven multi-media presentation generation system MPG, executing on a processor P, which accesses data from any of a multitude of media sources S1-S6"* (column 5, lines 10-15). Gill discloses using a multimedia content application to access multimedia content. Gill recites: *"the viewer V translates the multi-media presentation data into the images for display on the user's display device"* (column 14, lines 31-33).

Gill discloses a user selecting input. Gill recites: *"the author simply selects object characteristics from a set of menus to control the layout, content and presentation of the document page that is created"* (column 3, lines 49-52).

Gill discloses automatically identifying multimedia content based upon the tags while the page is accessed by the multimedia content application. Gill recites: *"the multi-media data is stored and processed by the page based*

document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object" (column 15, lines 49-53).

Gill discloses copying multimedia content into memory. Gill recites: "*the author defines a movie object MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above*" (column 10, lines 11-13). Gill discloses copying the multimedia page into memory in Figure 4 at reference sign 403 (shown as "*Gather Page Level Multi-Media Data*").

Regarding dependent claim 2, Gill discloses copying the multimedia content having the tag from the multimedia content application while the content is in use. Gill recites: "*the multi-media data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object*" (column 15, lines 49-53).

Regarding dependent claim 3, Gill discloses the use of an identifier for the multimedia content. Gill recites: "*The multi-media authoring tool assigns a unique identification to each object that has multi-media information and that is located in the multi-media presentation*" (column 4, lines 12-14).

Regarding dependent claim 6, Gill discloses associating textual notes with the multimedia content. Gill recites: "*The author must populate each of the*

individual frames with the selected video, graphical, and textual material” (column 1, lines 34-36).

Regarding dependent claim 7, Gill discloses the use of links. Gill recites: *“for multi-media content, with the hidden information which defines the multi-media content” (column 7, lines 28-30) and “The author also defines a path PL ... The path PL represents a motion definition for a object having some content, which object is tied to the path” (column 10, lines 21-26).*

Regarding dependent claim 8, the claim contains substantially the same subject matter as claim 3, and is rejected using the same rationale.

Regarding independent claim 14, the claim is directed toward a computer-readable medium for the method of claim 1, and is rejected using the same rationale.

Regarding independent claim 15, the claim is directed toward a signal readable by a computer for the method of claim 1, and is rejected using the same rationale.

Regarding independent claim 16, the claim is directed toward an apparatus for the method of claim 1, and is rejected using the same rationale.

Regarding independent claim 17, the claim is directed toward an apparatus for the method of claim 1, and is rejected using the same rationale.

Regarding dependent claim 18, the claim is directed toward an apparatus for the method of claim 2 and is rejected using the same rationale.

Regarding dependent claim 19, the claim is directed toward an apparatus for the method of claim 3 and is rejected using the same rationale.

Regarding dependent claim 22, the claim is directed toward an apparatus for the method of claim 6 and is rejected using the same rationale.

Regarding dependent claim 23, the claim is directed toward an apparatus for the method of claim 7 and is rejected using the same rationale.

Regarding dependent claim 24, the claim is directed toward an apparatus for the method of claim 8 and is rejected using the same rationale.

Regarding dependent claim 25, the claim is directed toward an apparatus for the method of claim 1 and is rejected using the same rationale.

Regarding dependent claim 26, the claim is directed toward an apparatus for the method of claim 1 and is rejected using the same rationale.

Regarding dependent claim 33, Gill discloses a concurrent presentation window for previews in Figure 2 at reference sign MB. Gill discloses displaying the multimedia content. Gill recites: "*The underlying page based document layout system is a menu based system which functions to partition document pages, as*

defined by the author, into a plurality of objects (also termed boxes), each of which is independently editable by the author” (column 6, lines 23-27).

Regarding dependent claim 35, the claim is directed toward an apparatus for the method of claim 33 and is rejected with the same rationale.

Regarding dependent claim 37, Gill anticipates the use of a browser as a multimedia content application accessing a web page. Gill recites: *“information likewise is obtained from a plurality of external sources including, but not limited to, data communication connections to broadcast media, such as Internet S4”* (column 6, lines 2-5). The Internet is well known in the art as being enabled by a browser to access web pages.

Regarding dependent claim 38, Gill discloses copying multimedia content of more than one type and using tags for the multimedia content. Gill recites: *“Since the multi-media data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object”* (column 15, lines 49-53). Gill defines the multimedia types. Gill recites: *“It is well known in the presentation generation arena how to create multi-media presentations which contain textual, graphical, audio, and even video segments”* (column 1, lines 25-27).

Regarding dependent claim 39, Gill discloses repeating the method of claim 1 for a plurality of pages. Gill recites: *“This page based document layout*

system partitions document pages, as defined by the author, into a plurality of objects" (column 3, lines 37-39).

Regarding dependent claim 40, Gill discloses the use of an indication for the order of the multimedia content and the pages are accessed. Gill recites: *"each item is either in front of or behind other items. The "stacking order" is a term which refers to the front/back relationships among the various items of a page layout"* (column 7, lines 49-52). Gill further discloses the ordering of pages in Figure 1, where page numbering indicates the order of the pages (shown as *"Page number"* near the bottom of the figure).

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gill.

Regarding claim 42, Gill discloses a web page accessed through a browser (see the rejection of claim 37). Gill discloses a presentation and preview windows (see the rejection of claim 33). Gill discloses automatically identifying multimedia content having tags subsequent to a user selection, and copying the content into memory (see the rejection of claim 1). Gill fails to explicitly describe the multimedia tags as HTML tags, however, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, for Gill to use HTML tags in order to provide a *"multi-media presentation generation system uses a multi-media authoring tool extension of a page based print document*

layout system to combine media objects of multiple diverse types into an integrated multi-media presentation" (column 3, lines 11-14).

Claims 4, 5, 20, 21, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gill in view of Fields.

Regarding dependent claim 4, the claim is directed toward using a uniform resource locator (URL) as an identifier. Gill discloses the use of an identifier for the multimedia content as described above. Gill fails to disclose the use of URLs as identifiers. Fields teaches that a URL can be used as an identifier. Fields recites: "*In the Internet paradigm, a network path to a server is identified by a so-called Uniform Resource Locator (URL)*" (column 1, lines 17-19).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use URLs as identifiers to Internet as taught by Fields with the multimedia content authoring system of Gill in order to provide the "*reuse content from a variety of different content providers some of which may use radically different formats and other content*" (Fields, column 2, lines 44-46).

Regarding dependent claim 5, the claim is directed toward using a uniform resource locator (URL) as an identifier while said multimedia content is in use by an application. The limitations of this claim contain substantially the same

subject matter as claims 1 and 4 combined, and are rejected with the same rationale.

Regarding dependent claim 20, the claim is directed toward an apparatus for the method of claim 4, and is rejected using the same rationale.

Regarding dependent claim 21, the claim is directed toward an apparatus for the method of claim 5, and is rejected using the same rationale.

Regarding dependent claim 34, Gill discloses the use of an identifier as described above. Gill fails to disclose displaying the identifier. Fields teaches displaying identifier information. Fields discloses in Figure 3A, the media identifier (shown as "http://www.ibm.com/Services/pressrel/pr.89062_2721.html") displayed with the media information (shown at reference sign 203).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the multimedia authoring system of Gill with the displayed identifiers as taught by Fields in order to allow presentation viewers the capability to view media material source identifiers.

Regarding dependent claim 36, the claim is directed toward an apparatus for the method of claim 34, and is rejected using the same rationale.

(10) Response to Argument

Appellant argues that the examiner has misinterpreted Gill (page 14, last paragraph, of the Appeal Brief filed 1/17/2008). Gill is directed toward generating multimedia presentations (see the title). Appellant's claimed invention is directed toward "*building a presentation*" (see independent claims 1, 14, 15, 16, 17 and 42).

Appellant argues that Gill fails to teach "*a user selecting input*", "*automatically identifying multimedia content based upon the tags while the page is accessed by the multimedia content application*" and "*copying multimedia content into memory*" (page 15, last paragraph, of the Appeal Brief filed 1/17/2008). Gill is directed toward a multimedia authoring system (designated "A" in Figure 1) coupled with a page based layout system (designated "Q" in Figure 1). The authoring system is controlled by an author (i.e. a user).

Regarding "*a user selecting input*", Gill discloses the author using the authoring system to select objects for the presentation. Gill recites: "*The selection of the various objects which comprise a page of the final multi-media presentation and the regulation of the object characteristics is accomplished in a menu based authoring environment maintained by the multi-media authoring tool*" (column 3, line 65 to column 4, line 2, emphasis added).

Regarding "*while the page is accessed by the multimedia content application*", Gill discloses selection of the object from Internet. Gill recites: "*The sources of media*

objects S1-S6 are graphics downloaded from external sources, such as CD-ROM S1 or disk drive S2, graphics generated by additional software resident on the processor P or graphics that are scanned into the system via a peripheral device. Furthermore, video information likewise is obtained from a plurality of external sources including, but not limited to, data communication connections to broadcast media, such as Internet S4" (column 5, line 65 to column 6, line 5, emphasis added). The Internet is a multimedia content application.

Regarding "*automatically identifying multimedia content based upon the tags*", Gill discloses identifying the multimedia content based on tags. Gill recites: "*the multimedia data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object*" (column 15, lines 49-53).

Regarding "*copying multimedia content into memory*", Gill discloses saving the multimedia content. Gill recites: "*the author defines a movie object MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above*" (column 10, lines 11-14).

Appellant argues that; "*Gill does not disclose how it's system identifies and copies the information into, for example, a presentation folder*" (page 16, second paragraph, of the Appeal Brief Filed 1/17/2008). As described above, Gill discloses identifying the content by tags. In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon

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which appellant relies (i.e., “copies the information into a presentation folder”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The balance of appellant’s argument is directed to substantially the same argument as described above (pages 17 and 18 of the Appeal Brief filed 1/17/2008). The examiner's rebuttal is presented above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Patent Examiner
April 11, 2008

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